

ESTTA Tracking number: **ESTTA436526**Filing date: **10/18/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	HELLO-SOMEBODY, INC.		
Entity	Corporation	Citizenship	United States
Address	PO Box 1402 Roanoke, TX 76262 UNITED STATES		

Attorney information	Mark W Handley PO Box 97 Grapevine, TX 76099 UNITED STATES docket@iplaw.pro Phone:972-518-1713
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**Applicant Information**

Application No	85311616	Publication date	09/20/2011
Opposition Filing Date	10/18/2011	Opposition Period Ends	10/20/2011
Applicant	Pirtle, Ben 7328 Cross Keys Drive North Richland Hills, TX 76092 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 2010/07/04 First Use In Commerce: 2010/07/04

All goods and services in the class are opposed, namely: Charitable fundraising services by means of selling goods to raise funds; Charitable fundraising services; Accepting and administering monetary charitable contributions

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HELLO SOMEBODY		
Goods/Services	Charitable fundraising services by means of selling goods to raise funds; Charitable fundraising services; Accepting and administering monetary charitable contributions in International Class 036; AND Jewelry, namely watches in International Class 014		

Attachments	Statement_of_Facts.pdf ( 1 page )(20415 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark Handley/
Name	Mark W Handley
Date	10/18/2011

Upon information and belief, Opposer sets forth the following Statement of Facts:

- (1) Opposer's president first used the mark on July 4, 2010;
- (2) Opposer was formed on July 14, 2010 under the laws of the State of Texas, as a nonprofit corporation;
- (3) Opposer was shipping product in interstate commerce at least as early as October 1, 2010;
- (4) Opposer was conducting charitable fund raising services as least as early as October 2010; and
- (5) Applicant's alleged use of the mark, if any, occurred while working as a representative and/or as an agent of Opposer.